



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 60-11	Subject: REQUEST TO ADD SEXUAL OFFENDER LEVEL DESIGNATION	
Reference: P&P 60-12 ; DOC 1.5.10 46-18-203, MCA ; 46-23-509, MCA ; <i>State v. Sample</i>		Page 1 of 2
Effective Date: 06/22/12		Revision Dates:
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures for requesting the addition of a sexual offender level designation for an offender sentenced after October 1, 1997 and required to register as a sexual offender, if not previously provided by the courts.

II. DEFINITION:

OMIS-Offender Management Information System – The Department of Corrections’ electronic data collection and reporting system.

Qualified Sexual Offender Evaluator – A person specially trained in sex offender treatment needs and meets the qualifications set forth in Administrative Rules of Montana §20.7.Subchapter 3 and is a member of a Montana Sex Offender Treatment Association.

Sexual Offender Level Designation – A level given to a person convicted of a sexual offense that indicates the risk of a repeated sexual offense by that person and the threat posed to public safety (also referred to as “tier-level designation”):

Level 1 – the risk of a repeat sexual offense is low;

Level 2 – the risk of a repeat sexual offense is moderate;

Level 3 – the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator.

III. PROCEDURES:

RESPONSIBILITY:

A. When a Probation & Parole Officer (Officer) determines that the court did not impose a sexual offender level designation at the time of sentencing on an offender who was sentenced after October 1, 1997 and is required to register with the Department of Justice as a sexual offender, the Officer will research the offender’s file to determine whether a psychosexual evaluation was completed. The evaluation must be completed by a qualified evaluator and recommend a tier-level designation.

P&P Officer/IPPO

1. If an evaluation was not completed:

- a. Section 2 of *P&P 60-11(A) Request for Sexual Offender Level Designation* is completed and submitted to Regional Administrator (RA) or POII for review and signature.

P&P Officer/IPPO
RA/POII

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| <ul style="list-style-type: none"> b. <i>Request</i> is forwarded to County Attorney in the sentencing jurisdiction to request an evaluation be ordered by the Court. | P&P Officer/IPPO
County Attorney |
| <ul style="list-style-type: none"> 2. If evaluation was completed, or when Officer is notified that the evaluation requested in #1 above is completed, Officer will: <ul style="list-style-type: none"> a. Determine the tier-level designation recommended by the evaluator and complete <i>P&P 60-11(A) Request for Sexual Offender Level Designation</i> (complete new <i>Request</i> if one was submitted in #1 above); b. Review <i>Request</i> with the offender and advise that he/she may seek counsel before signing the document. c. If the offender objects to the recommended designation in the <i>Request</i> and indicates so on the form, advise offender that he/she is entitled to a hearing before the court pursuant to §46-18-203, MCA, and has a right to counsel at the hearing. | P&P Officer/IPPO |
| <ul style="list-style-type: none"> B. Seeks counsel or signs <i>Request</i> form agreeing or disagreeing to the added level designation. | Offender |
| <ul style="list-style-type: none"> C. <i>Request</i> is submitted to RA/POII for review and signature, then forwarded to County Attorney in sentencing jurisdiction. | P&P Officer/IPPO
RA/POII |
| <ul style="list-style-type: none"> D. County Attorney files a petition requesting the court add the tier-level designation to the terms of the offender's sentence as recommended by the Officer. | County Attorney |
| <ul style="list-style-type: none"> E. The court may grant the petition if offender has not objected. If the offender has objected to the petition, the court must hold the required hearing. | District Court |
| <ul style="list-style-type: none"> F. Judge approves/disapproves and signs <i>P&P 60-11(A) Request for Sexual Offender Level Designation</i>. | Judge |
| <ul style="list-style-type: none"> G. Officer will file <i>Request</i> in offender's field file and, if approved, adds tier-level designation to OMIS under Offender Information. | P&P Officer/IPPO |

IV. CLOSING:

Questions concerning this procedure shall be directed to the RA or Probation & Parole Bureau Chief.

Form

[P&P 60-11\(A\)](#) Request for Sexual Offender Level Designation